

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

5

Edgar Herberto Rodriguez-Morales

)

Case No: 8:13CR275

1

USM No: 25823-047

1

USM NO. _____

1

David R. Stickman

1

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of **months is reduced to** .

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 05/14/2015 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/26/2016

Effective Date: _____
(if different from order date)

Parie Sitt Camp

Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)**

Edgar Herberto Rodriguez-Morales

DEFENDANT: _____

CASE NUMBER: 8:13CR275

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: _____ Amended Total Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

Because the Defendant was sentenced after the amendment to the drug guidelines was in effect and the 2014 Guideline Manual was used in calculating his offense level, the Defendant's pro se Motion to Appoint Counsel and to Reduce Sentence - USSC Amendment (Filing No. 198) is denied.